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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,900	08/24/2001	Daniel A. Levy	6697-003	3348

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200 Park Avenue  
New York, NY 10166-0153

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3693

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/938,900

**Applicant(s)**

LEVY, DANIEL A.

**Examiner**

Lalita M. Hamilton

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In the claims, a data signal is not useful, concrete, or tangible; therefore, the claims have been rendered non-statutory subject matter. Correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Data signal" renders the claims indefinite, since it is none of useful, concrete, or tangible.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hastings (6,751,596).

Hastings discloses a method and corresponding system and graphical user interface for tracking, monitoring, and supporting real estate transactions comprising receiving data descriptive of real estate characteristics of a neighborhood, creating a profile of the neighborhood comprising the received data descriptive of the real estate characteristics of the neighborhood, receiving data descriptive of a property sought by a property seeker comprising property characteristics desired by the property seeker and neighborhood features desired by the property seeker, receiving data descriptive of the financial commitment that the property seeker is prepared to make, receiving a query from a property supplier relating to demand for a subject property with particular characteristics and neighborhood, matching the data descriptive of a property sought by a property seeker with the characteristics of the query property and a profile of the query neighborhood, and transmitting to the property supplier data indicative of the demand for a property with the characteristics and neighborhood received in the query (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); matching the property seeker with the subject property according to the received data relating to a property sought and property data, presenting the matched property and property seeker via a graphical user interface, and facilitating the exchange of information between the property supplier and the property seeker (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); matching the property seeker with the subject

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property additionally comprises using a plurality of matched geographic areas to assist in matching the property characteristics of the property with the property characteristics of the property seeker (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); facilitating the exchange of the property between the property supplier and the property seeker (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); profiling the property, wherein an individual supplies information regarding the property comprising a review and a rating and presenting the profiled plurality of properties to an interested property seeker (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the individual comprises a person selected from the list comprising a current tenant of the property and a property seeker who has visited the property (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); property characteristics additionally comprises available moving-in times (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); number of bedrooms, number of bathrooms, housing type, and neighborhood (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the property characteristics additionally comprises number of occupants, doorman availability, pets allowed; and apartment furnishings (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the property characteristics additionally comprises a choice of desired amenities chosen from the list comprising corner unit; penthouse, ground floor, balcony, central air-conditioning, dining room, den, eat-in kitchen, dressing room, elevator, garage, good light, hardwood floors; health club; high ceilings; home office; library; foyer; maid's room; pantry; windowed kitchen; duplex; triplex; living room; fireplace; Jacuzzi, post-war

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building', pre-war building; views, exposures; walk-up; washer and dryer in apartment; and washer and dryer in building (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); choice of desired features chosen from the list comprising: neighborhood demographics, churches, schools, parks, zoos, sport arenas, sport facilities, gyms, museums, theatres, mass transit, restaurants, shopping, art galleries, fashion galleries, and childcare facilities (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the property seeker comprises an entity buying property (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); an entity renting property (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the property supplier comprises an entity selling property (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the property supplier comprises an entity offering the property for rent (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); an entity brokering property (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); compiling statistics for a plurality of exchanged properties (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the statistics additionally comprises information about an exchanged property's financial information, information about an exchanged property's neighborhood, and information about an exchanged property's property type (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); facilitating the exchange of information between the property supplier and the property seeker additionally comprises scheduling appointments between the property supplier and the property seeker (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); facilitating the exchange of information

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between the property supplier and the property seeker additionally comprises exchanging messages between the property supplier and the property seeker (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the messages comprise anonymous messages (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the step of facilitating the exchange of information between the property supplier and the property seeker additionally comprises offers and counteroffers by the property seeker and the property supplier for the property (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the step of profiling a plurality of properties additionally comprises supplying pictures of the property with the property profile (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the financial data additionally comprises transaction type the property seeker plans to use (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); a computer server accessible via a computer communications network, wherein the server comprises a memory and a processor, executable software residing in the server memory (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); software is executable on demand via a network access device (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the network access device comprises a computer (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); the computer communication network conforms to a transmission control protocol/Internet protocol (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); an intranet (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all); and a web interface for accessing the executable software stored on the

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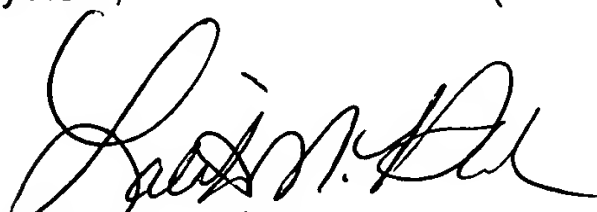
server storage medium (col.5, lines 40-65; col.8, lines 10-45; col.15, lines 35-50; and fig.8—all).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammel James can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lalita M. Hamilton  
Primary Examiner, 3693